

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

2:00-cr-0564-GEB-KJM-P

vs.

SANTOS AYON RIVAS,

Movant.

ORDER

Movant has appealed the denial of his motion to amend, vacate or correct his sentence, 28 U.S.C. § 2255. On November 21, 2006, the district court denied movant's request for a certificate of appealability. Movant has now filed an application to proceed in forma pauperis on appeal.

Rule 24(a) of the Federal Rules of Appellate Procedure provides that a party to a district court action who did not proceed in forma pauperis in the district court but desires to proceed in forma pauperis on appeal must file a motion in the district court which:

(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and

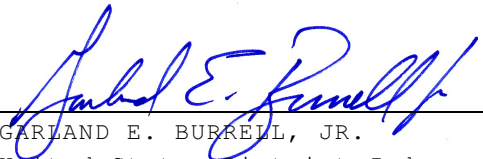
(C) states the issues that the party intends to present on appeal.

1 Fed. R. App. P. 24(a)(1). In addition, Form 4 of the Appendix of Forms requires a prisoner to
2 attach a certified prison trust account statement showing all receipts, expenditures and balances
3 during the last six months.

4 Movant has attached an affidavit which demonstrates his inability to pay or to
5 give security for fees and costs, along with a certified copy of his trust account statement. He has
6 not included a statement of claims, but in his request for the issuance of a certificate of
7 appealability, he claims entitlement to redress and describes the issues he intends to present on
8 appeal. Movant has complied with the requirements of Federal Rule of Appellate Procedure
9 24(a). Accordingly, his request to proceed in forma pauperis on appeal will be granted.

10 Accordingly, IT IS HEREBY ORDERED that movant's motion for leave to
11 proceed in forma pauperis on appeal is granted.

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13 Dated: April 4, 2007

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16 GARLAND E. BURRELL, JR.
17 United States District Judge
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